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10/528,198	09/19/2005	Christian Bertin	127534	7021
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OLIFF & BERRIDGE, PLC			SAIN CYR, JEAN D	
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			06/10/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/528,198	BERTIN, CHRISTIAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	JEAN Duclos SAINT CYR	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 March 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7, 10-12, 14-25 and 27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7, 10-12, 14-25 and 27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 September 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114.**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/03/2010 has been entered.

### **Response to Amendment**

This action is in response to applicant's amendment filed on 03/03/2010. Claims 1-7, 9-12, 14-25 are still pending in the current application and claim 27 is added. **This action is made NON-FINAL.**

### **Response to Arguments**

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that Kambayashi et al did not explicitly disclose step of receiving in a receiver terminal at least one initial information request broadcast with audiovisual content, said initial information request comprising an address of at least one audiovisual content description server; a step of storing in said receiver terminal said at least one initial information request.

However, Igawa et al disclose in response to a request from a user of a terminal device for a display of video data, to retrieve therefrom an address of a video server and an identifier of a title of video data related to information on a WEB page accessed by the user, then transfers the address and the identifier to the terminal device, abstract. The information on identifiers of the VOD server 4000 and video data are transferred to the terminal 1000 when the terminal device issues a request for video data in the menu of video data, col.7, lines 58-67; that information proves that address of the content server and video data are transferred to the terminal after a request for content was received. As a result, this action is made final.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,14,17-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi et al in view of Igawa further in view of Gordon et al, US No. 20070089141.

Re claim 1, Kambayashi et al disclose a method of acquiring description data for broadcast audiovisual contents(see fig.1), the method comprising:

a step in which the receiver terminal transmits the subsequent information request to the audiovisual content description server(included but not limited to, accesses from an audience to the center and distribution of information from the center to the audience at audience's request, col.2, lines 1-3); and

a step of the receiver terminal receiving description data supplied as a function of elements of the subsequent information request(distribution of information from the center to the audience at audience's request, col.2, lines 1-3).

But Kambayashi et al did not explicitly disclose step of receiving in a receiver terminal at least one initial information request broadcast with audiovisual content, said initial information request comprising an address of at least one audiovisual content description server;

a step of storing in said receiver terminal said at least one initial information request;

a step in which the receiver terminal generates at least one subsequent information request on the basis of the initial information request, wherein the subsequent information request comprises additional parameters including at least a time interval; wherein during the step of receiving description data, the data supplied relates to audiovisual content broadcast in the time interval specified in the subsequent information request.

However, Igawa et al disclose step of receiving in a receiver terminal at least one initial information request broadcast with audiovisual content, said initial information request comprising an address of at least one audiovisual content description server(the information on identifiers of the VOD server 4000 and video data are transferred to the terminal 1000 when the terminal device issues a request for video data in the menu of video data, col.7, lines 58-67);

a step of storing in said receiver terminal said at least one initial information request(see fig.7 and fig.15, elements 1500 and 1500a);

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Igawa into the invention of Kambayashi for the purpose of allowing user to identify the server having the characteristic of the requested contents.

And Gordon et al disclose a step in which the receiver terminal generates at least one subsequent information request on the basis of the initial information request, wherein the subsequent information request comprises additional parameters including at least a time interval; wherein during the step of receiving description data, the data supplied

relates to audiovisual content broadcast in the time interval specified in the subsequent information request (Such request from the requesting terminal may comprise, for example, a look-ahead request for programming for a time period ahead of the current time period,0050).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Gordon into the invention of Kambayashi as modified by Igawa for the purpose of requesting data associated with other parameters using data from initial information request.

Re claim 2, Kambayashi et al disclose wherein during the step of receiving description data, audiovisual content description data is supplied as a function of a relationship between at least one date and time associated with the subsequent information request and the broadcast date and time of the contents (see fig.23, broadcast time screen).

Re claim 3, Kambayashi et al disclose wherein the date and time associated with the subsequent information request corresponds to the date and time at which the subsequent information request is transmitted (terminal time and event ID contained in the terminal information, col.13,lines 34-35).

Re claim 4, Kambayashi et al disclose wherein, the subsequent information request as transmitted is identical to the initial request (causing the processor to transmit the ID of the event and the terminal information to the broadcasting station server through a two-way communication line based on the acquired destination information, col.7, lines 35-38).

Re claim 5, Kambayashi et al disclose wherein during the step of generating the subsequent information request, the initial request is extended by specifying at least one date and time (see fig.7, distribution time).

Re claim 6, Kambayashi et al disclose wherein, during the step of receiving description data, the data supplied is that corresponding to audiovisual content broadcast at the date and time specified in the subsequent information request (Upon receiving the event ID from the event acquisition section 2d-1, the event generation section 2d-2 reads terminal information such as the currently-selected channel information, the terminal ID of the receiving terminal 2, the present time, terminal time, and location,col.12, lines 24-28).

Re claim 7, Kambayashi et al disclose wherein during the step of generating the subsequent information request, the initial request is expanded by specifying a number of content items and in that during the step of receiving description data, the data supplied corresponds to the requested number of audiovisual content items broadcast starting from the date and time specified in the subsequent information request (see fig.25, element 2a-4, event starting section; included but not limited to, the number of accessing receiving terminals 2 is counted,col.20, lines 33-46 ).

Re claim 14, Kambayashi et al disclose wherein the prior step of acquiring and storing an initial step comprises the receiver terminal receiving said initial request via a signaling channel associated with an audiovisual content broadcast channel (see fig.1).

Re claim 17, Kambayashi et al disclose wherein the subsequent information request is associated with a single audiovisual content broadcast channel (see fig.7, channel 1; that means every request has a channel associated with it).

Re claim 18, Kambayashi et al disclose wherein during the step of generating the subsequent information request, a set of broadcast channels is defined , and in that during the step in which the receiver terminal transmits the subsequent information request, as many subsequent information requests are transmitted as there are

broadcast channels specified in the subsequent information request (see fig.7; the terminal information comprises channel information of the program information, col.2, lines 59-60; a plurality of broadcasting channel, col.12, lines 65-66).

Re claim 19, Kambayashi et al disclose wherein the step of generating the subsequent information request, comprises adding at least one selection criterion to the initial request (the broadcasting unit 1a updates, e.g., the last figure of the terminal ID, changes the terminal designation information, multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience, Col.20. lines 38-43).

Re claim 20, is met as previously discussed with respect to the rejection claim 1.

Re claim 21, Kambayashi et al disclose wherein the description server includes means for making an initial request available (see fig.10, receive information from server and display it).

Re claim 22, Kambayashi et al disclose wherein the system includes at least one audiovisual content broadcast server said server including means for transmitting initial requests together with the broadcast content (multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience, col.20, lines 38-42; see fig.1, element 1c, broadcasting station server).

Re claim 23, Kambayashi et al disclose including transmission means for transmitting the initial request together with the broadcast content (multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience, col.20, lines 38-42).

Re claim 24, Kambayashi et al disclose wherein the transmission means are regular

transmission means (transmission means for transmitting both the ID of the event and the terminal information acquired by the terminal information acquisition means to the broadcasting station server through a two-way communication line based on the destination information acquired by the destination information acquisition means, col.4, lines 49-54; that means a regular transmission where there is communication in both ways).

Re claim 25, is met as previously discussed with respect to claim 1.

As claim 27, the claimed “means for broadcasting content and an initial information request comprising an address of said audiovisual content description server, wherein said audiovisual content description server comprises: means for receiving subsequent information requests including at least a time...” is composed as the same structural elements as previously discussed with respect to the rejection of claims.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi et al in view of Igawa further in view of Gordon and further view of Legall et al, US No. 6005565.

Re claim 9, Kambayashi in view of Gordon did not explicitly disclose wherein the time interval is defined by a start date and time and by an end date and time.

However, Legall et al disclose wherein the time interval is defined by a start date and time and by an end date and time (start time and end time, col.4, line 7).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Legall into the invention of Kambayashi as modified by Igawa and Gordon for the purpose of knowing the running time of the program.

Re claim 10, Kambayashi in view of Gordon did not explicitly disclose wherein the time interval is defined by a start date and time and by duration.

However, Legall et al disclose wherein the time interval is defined by a start date and time (and by duration(duration of the program, col.4, line 8; start time and end time, col.4, line 7 ).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Legall into the invention of Kambayashi as modified by Igawa and Gordon for the purpose of knowing the running time of the program.

Re claim 11, Kambayashi in view of Gordon did not explicitly disclose wherein during the request generation step, the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content.

However, Legall et al disclose wherein during the request generation step, the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content(the information associated with a broadcast can be more than just a sequence of keywords. Keywords can be combined with logical syntactic operators such as AND, OR and NOT to produce Boolean combinations of search terms and to provide a more intelligent query, col.5, lines 23-28).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Legall into the invention of Kambayashi as modified by Igawa and Gordon for the purpose of making the request more specific in including keyword to it.

Re claim 12, Kambayashi in view of Gordon did not explicitly disclose wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received.

However, Legall et al disclose wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received (maintaining logs of searches performed for subsequent references, col.3, lines 6-7; see fig.5, element 516, edit; that means the user can update the search by adding new time to a previous search).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Legall into the invention of Kambayashi as modified by Gordon for the purpose of keeping track of all requests made by the user..

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi in view of Igawa further in view of Gordon and further in view of Kimchi et al, US No. 20020147814.

Re claim 15, Kambayashi in view of Gordon did not explicitly disclose wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server.

However, Kimchi et al disclose wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server (the devices provide a description of their

capabilities to the terminal server using a protocol such as SDP, H.245, HTML, XML, IETF ConnNeg or any proprietary mean, 0078).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Kimchi into the invention of Kambayashi as modified by Igawa and Gordon for the purpose of using file having address defining a server.

Re claim 16, Kambayashi in view of Gordon did not explicitly disclose wherein the description data is supplied in the form of an XML file.

However, Kimchi et al wherein the description data is supplied in the form of an XML file (the devices provide a description of their capabilities to the terminal server using a protocol such as SDP, H.245, HTML, XML, IETF ConnNeg or any proprietary mean, 0078).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Kimchi into the invention of Kambayashi as modified by Gordon and Igawa for the purpose of using XML file as description data.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR

or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

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